IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 14965 of 2004

Between:

Kayyam Veeraiah,

S/o Venkatamallaiah,
R/o Lambadapally Village,

Chigurumamidi Mandal, Karimnagar District

..... PETITIONER

AND

1. The District Election Authority-cum-

District Collector, Karimnagar District.

2. The Deputy Election Authority-cum-

The Revenue Divisional Officer, Karimnagar.

3. The Assistant Election Authority-cum-

Mandal Parishad Development Officer,

Chigurumamidi Mandal, Karimnagar District.

4. The Election Officer,

Lambadipally Village, Chigurumamidi Mandal, Karimnagar District.

5. Chandaveni Rajamallaiah,

S/o.Odela Mallaiah, R/o.Lambadipally Village, Chigurumamidi Mandal,

Karimnagar District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, to declare the Order passed by the learned Junior Civil Judge at Husunabad in O.P.No.12/2001 dated 13-2-2004 as ilegal, arbitrary and void and consequently direct the official respondents conduct the counting of the votes pertaining to the Gram Elections of Lamabadapally, Chigurumamidi Mandal, Karimnagar District to declare the election of the 5th respondent as null and void.

Counsel for the Petitioner: MR.P.CHANDRA REDDY

Counsel for the Respondent No.: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following:

ORDER:

When the case was called on 24-8-2004, none appeared on behalf of the petitioner. Even today, when the case is called, none appears.

The petitioner who contested for the post of Sarpanch of Lambadipalli village of Chigurumamidi Mandal lost the election. Challenging the election of the fifth respondent alleging irregularities in counting of votes, the petitioner filed O.P.No.12/2001 before the Junior Civil Judge, Husnabad seeking a declaration that the election of the fifth respondent as Sarpanch as null and void and for setting aside the election of the fifth respondent. Learned Election Tribunal which ordered recount in I.A. filed by the petitioner conducted recount of votes in the open Court in the presence of both parties and after invalidating certain votes found that the total number of votes polled in favour of the fifth respondent is 370 votes and the petitioner got 256 votes. Since the fifth respondent got more votes than the petitioner, Election Tribunal dismissed the election petition.

Since the recounting of votes done in the presence of the both parties and their agents, and after invalidating votes, fifth respondent got more votes than the petitioner, the order passed by the Election Tribunal dismissing the election petition do not suffer from any infirmity warranting interference by this Court.

The Writ Petition is accordingly dismissed. No order as to costs.

A. GOPAL REDDY, J

Dated: 31-08-2004

LSK/KMR

To

1. The District Election Authority-cum-District Collector,

Karimnagar District.

2. The Deputy Election Authority-cum-

The Revenue Divisional Officer,

Karimnagar.

3. The Assistant Election Authority-cum-Mandal Parishad

Development Officer, Chigurumamidi Mandal,

Karimnagar District.

4. The Election Officer

Lambadipally Village, ChigurumamidiMandal,

Karimnagar District.

5. Two C.Cs. to the Government Pleader,

Panchayat Raj & Rural Development,

High Court Buildings, Hyderabad.

6. Two C.D. copies.